

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Southern Division)

MINDY TOOMBS,

Plaintiff

v.

LOWE'S HOME CENTERS, LLC,

Defendant

Case No. 8:22-cv-0244

NOTICE OF REMOVAL

Lowe's Home Centers, LLC, ("Lowe's"), by and through counsel, hereby gives notice of removal of the above action from the Circuit Court for Prince George's County, Maryland ("Circuit Court"), to the United States District Court for the District of Maryland, pursuant to 29 U.S.C. §§ 1332(a), 1441 and 1446. As set forth below, this Court has original diversity jurisdiction over this action pursuant to 28 U.S.C. § 1332. All requirements for the removal of this action are met through the allegations contained in the pleadings filed in the Circuit Court and in this Notice of Removal.

In support of this Notice of Removal, Lowe's states as follows:

1. There is pending in the Circuit Court for Prince George's County, Maryland, a Complaint styled *Mindy Toombs v. Lowe's Home Centers, LLC*, Case No. CAL21-13301 (the "State Court Action"). The Complaint in the State Court Action was filed on or about October 25, 2021. A copy of the Complaint is attached hereto as Exhibit A.

2. Lowe's first received a copy of the Complaint in the State Court Action on August 9, 2022, via certified mail and was served with the summons and complaint in the State Court Action in North Carolina on August 16, 2022, via certified mail.

3. This Notice of Removal is filed within thirty (30) days of the date on which Lowe's first received a copy of the Complaint and is therefore timely under 28 U.S.C. § 1446(b).

4. The State Court Action is properly removed under 28 U.S.C. § 1441(a) because the State Court Action is subject to the original jurisdiction of the Court pursuant to 28 U.S.C. § 1332, as explained below.

5. Plaintiff is a resident of Maryland. See Exhibit A, ¶ 1.

6. Lowe's is a limited liability company organized under the laws of the State of North Carolina and having its Principal Place of Business in North Carolina. Its sole member is Lowe's Companies, Inc., which is a North Carolina Corporation with its principal place of business in North Carolina. *See* North Carolina Secretary of State printouts, attached hereto as Exhibit B.

7. Plaintiff's Complaint seeks compensatory damages in an amount in excess of \$75,000. *See* Exhibit A.

8. This action is properly removed on grounds of diversity of citizenship because (a) complete diversity of citizenship exists between Plaintiff and defendant and (b) the amount in controversy herein exceeds the sum or value of \$75,000.

11. Written notice of the filing of this Notice of Removal will promptly be given to Plaintiff and the Clerk of the Circuit Court for Prince George's County, Maryland, as required by 28 U.S.C. § 1446(d).

12. Copies of all papers filed to date which were served on Lowe's in the State Court Action are attached hereto.

WHEREFORE, Defendant Lowe's Home Centers, LLC respectfully requests that this case proceed before this Court as an action properly removed.

Respectfully submitted,

/s/ Sandra T. Carson

Sandra T. Carson (Bar No. 24699)

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Attorneys for Defendant Lowe's Companies, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of September, 2022, a true and correct copy of the foregoing Notice of Removal was served via e-mail and U.S. Mail, First Class postage pre-paid on:

Jason Perash, Esq.

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Attorneys for Plaintiff

/s/ Sandra T. Carson

Sandra T. Carson (#24699)